

REMARKS

Claims 13-22 were previously pending in the application. By the Amendment, Claims 12, 14, 18, 19 and 22 are currently amended and Claims 13, 15-17, 20 and 21 remain unchanged.

Applicants gratefully acknowledge the Examiner's granting an interview with the Applicants' representative on December 9, 2008. During the interview the general nature of the claims was discussed. More specifically, the claims were discussed in light of US Patent Application No. 2002/0014086 to Holzer et al. (Holzer '086). While no specific agreement on the claims was attained, it was agreed that the Applicants would file amended claims to recite the feature of a spacing zone in the kitchen furniture that effects a remote placement of the first assembly with respect to the second assembly.

The claims stand rejected under the cited prior art of record. Specifically, Claims 12, 13, 14, 16, 20 and 21 were rejected under 35 USC §102(b) as being anticipated by published WIPO Application No. WO03/012350 to Simmons et al. (Simmons '350). Claim 15 was rejected under 35 USC §103(a) as being unpatentable over Simmons '350 in view of EPO Patent No. EP0845643 to Fumagalli (Fumagalli '643). Claims 17 was rejected under 35 USC §103(a) as being unpatentable over Simmons '350 in view of US Patent No. 5255526 to Fischer (Fischer '526). Claims 18, 19 and 22 were rejected under 35 USC §103(a) as being unpatentable over Simmons '350 in view of Holzer '086.

Independent Claim 12 recites a refrigerating appliance including a heat-insulating housing and a cooling circuit including an evaporator, a compressor and a condenser. A first assembly is provided including at least the housing and the evaporator, wherein a second assembly is mounted remotely from the first

assembly and separated therefrom by a spacing zone. The second assembly includes at least the compressor. A coupling assembly extends across the spacing zone between the first assembly and the second assembly for movement of refrigerant therethrough.

Independent Claim 22 recites a method for installing a refrigerating appliance in furniture, comprising the following steps:

- installing a first assembly of the refrigerating appliance, including at least one heat-insulating housing, an evaporator and a coolant pipe, in a first zone of the furniture;
- installing a second assembly including at least one compressor in a second zone of the furniture the first zone being separated from the second zone by a third zone, with the third zone being devoid of any of the first assembly and the second assembly; and
- connecting connections of the coolant pipe of the first assembly to corresponding connections of the second assembly, with the coolant pipe spanning the distance between the first assembly and the second assembly.

The present invention provides the flexibility in refrigerator construction to allow the refrigerated compartment to be placed at a height convenient for use in a first zone in operational communication with a second assembly formed as a base unit and disposed in a second zone remotely from the first assembly, usually in a poorly accessible area which may otherwise be unusable for kitchen service (P 2, ll. 3-10).

Simmons '350 is directed to a refrigeration system wherein the refrigeration capacity of a given refrigeration unit may be vary depending upon the intended use. The various components of the refrigeration unit therefore must be interchangeable and expandable. (P.3, ll. 9-12). To that end, Simmons '350 provides a refrigeration system for chilling an enclosure. This system includes a thermal transfer pathway with a cold producing unit and a thermal storage unit connected to the pathway via a number of quick disconnect fittings. (P.3, ll. 16-19). With reference to Figure 1, the refrigerator device 100 may be a conventional refrigerator, a glass door merchandiser, a vending machine, a cooler, a beverage dispenser or any type of refrigerated space. (P.4, ll. 4-7). Figure 2 illustrates another refrigeration system 200. A portion of the refrigeration system 200 may be positioned within the refrigeration deck 140 of the refrigerator device 200. The rest of the refrigeration system may be positioned within or adjacent to the refrigerated component 150. The refrigeration system 200 may include a modular cold producing unit. (P.6, ll. 34-35; P.7, ll. 1-7).

While Simmons '350 discloses a refrigeration system having a modular cooling unit, Simmons '350 fails to disclose the separation between first and second assemblies across a spacing zone as set forth in the amended claims. While Fumagalli '643 discloses a refrigeration system having variable forced ventilation, it cannot make up the deficiencies of the Simmons '350 reference with respect to the claims of the present application. Further, while Fischer '526 may disclose a coolant pipe together with a condensation pipe is guided in a line including a coupling arranged in the condensation water pipe, it also does not make up the deficiencies of Simmons '350 and, accordingly, the combination of Simmons '350 and Fischer '526 would not result in the present refrigeration system as recited in claim 17.

Holzer '086 discloses a cooling device for installation in a furniture niche. The cooling device is seen in Figure 1 and illustrated at 25 with a cooling unit 28 disposed immediately therebelow. Figure 1 discloses a kitchen furniture unit 10 having three adjacent cabinets 11a, 11b and 11c, whose front is formed by doors 12 that are constructed at different heights and on whose body rests on height adjustable feet 13 that stand on the non-illustrated floor of a kitchen. (Paragraph 0020). A center cabinet supports the built-in cooling device 25. The cooling machinery is disposed in the base 28. (Paragraph 0021). The refrigeration unit or cooling device 25 is essentially a conventional small refrigerator disposed within a lower cabinet of the kitchen unit 10.

Unlike the present invention, the cooling chamber of Holzer '086 is not remotely disposed from the cooling machinery and a first assembly is not remotely disposed from a second assembly and separated therefrom by a spacing zone in accordance with the claims of the present application with the separation occurring across a spacing zone within the kitchen furniture. Accordingly, since neither Simmons '350 nor Holzer '086 disclose structural elements of the present invention as claimed in the amended claims presented herewith, a combination of Simmons '350 and Holzer '086 would not result in the present invention and, accordingly, such a combination is insufficient to render the present invention, as claimed, obvious.

For these and other reasons, Simmons '350 does not disclose the subject matter defined by independent Claims 12, 20 and 21. Therefore, Claims 12, 20 and 21 are allowable. Claims 13, 14 and 16 depend from Claim 12 and are allowable for the same reasons and also because they recite additional patentable subject matter.

For these and other reasons, Simmons '350 and Fumagalli '643, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 15. Therefore, Claim 15 is allowable. Claim 15 depends from Claim 12 and is allowable for the same reasons and also because additional patentable subject matter is recited therein.

For these and other reasons, Simmons '350 and Fischer '526, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claim 17. Therefore, Claim 17 is allowable. Claim 17 depends from Claim 12 and is allowable for the same reasons and also because additional patentable subject matter is recited therein.

For these and other reasons, Simmons '350 and Holzer '086 either alone or in combination, do not teach or suggest the subject matter defined by independent Claim 22. Therefore, Claim 22 is allowable. Claims 18 and 19 depend from Claim 12 and are allowable for the same reasons and also because they recite additional patentable subject matter.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 13-22 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russell W. Warnock".

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